STATE OF NEW YORK

6876

2017-2018 Regular Sessions

IN SENATE

September 20, 2017

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil practice law and rules, in relation to damages recoverable when contributory negligence or assumption of risk is established in cases involving building construction, demolition and repair work

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 1411 of the civil practice law and rules, as added by chapter 69 of the laws of 1975, is amended to read as follows:

§ 1411. Damages recoverable when contributory negligence or assumption of risk is established. In any action to recover damages for personal injury, injury to property, or wrongful death, the culpable conduct attributable to the claimant or to the decedent, including contributory negligence or assumption of risk, shall not bar recovery, but the amount of damages otherwise recoverable shall be diminished in the proportion which the culpable conduct attributable to the claimant or decedent bears to the culpable conduct which caused the damages. **Notwithstanding any judicial precedent, statute, rule or regulation to the contrary, this section shall apply to any action to recover damages for personal injury, injury to property or wrongful death brought under article ten of the labor law.**

§ 2. This act shall take effect January 1, 2018 and shall apply to all actions commenced on or after such effective date.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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